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PATENT  
ATTORNEY DOCKET NO.: 040894-5968

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Toyoshi NOGAMI, et al.	)	Confirmation No.: 6684
	)	
Application No.: 10/685,395	)	Group Art Unit: 2652
	)	
Filed: October 16, 2003	)	Examiner: A. Cao
	)	
For: BIAXIAL ACTUATOR FOR OPTICAL	)	
PICKUP AND OPTICAL PICKUP	)	

**Customer Window, Mail Stop Amendment**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**AMENDMENT AND REQUEST FOR RECONSIDERATION**  
**TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment and Request for Reconsideration responding to the Non-Final Office Action dated June 15, 2005.

2. Additional papers enclosed:

- |                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Submission of Replacement Drawings   |
| <input type="checkbox"/>            | Information Disclosure Statement   |
| <input type="checkbox"/>            | Drawings: Formal Informal (Correction)   |
| <input type="checkbox"/>            | Information Disclosure Statement   |
| <input type="checkbox"/>            | Form PTO-1449, ____ references included  |
| <input type="checkbox"/>            | Citations  |
| <input type="checkbox"/>            | Declaration of Biological Deposit  |
| <input type="checkbox"/>            | Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence. |

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input checked="" type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$450.00.

- ☐ An extension for \_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	4	minus	20	0	x \$50 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$200 each=	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge the amount of \$450.00 to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

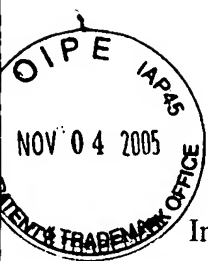
Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated November 4, 2005

By: Mary Jane Roswell  
Mary Jane Roswell  
Reg. No. 33,652

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**SUBMISSION OF REPLACEMENT DRAWINGS**

Sir:

Transmitted herewith are two (2) sheets of replacement formal drawings to be substituted for the corresponding drawing sheets presently on file in the above-identified application.

Figures 4 and 5 have been amended to include the legend "PRIOR ART" in accordance with the Examiner's helpful suggestion.

It is respectfully submitted that these changes introduce no new matter as it conforms to the specification or drawings as originally filed, 37 C.F.R. § 1.81(d).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: November 4, 2005

By: Mary Jane Boswell  
Mary Jane Boswell  
Reg. No. 33,652

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